

Remarks

The present application has been amended to overcome the Examiner's rejections and to clarify the patentable features of the Applicants' invention. In particular, claims 1, 7 and 10 have been amended. New claim 24 which includes the subject matter of allowable claim 8, has been added.

Claims 1-12 were rejected under 35 U.S.C. §112 due to the recitation of "the improvement" in claim 1. Claim 1 has been amended and now recites "an improvement" to address this rejection. In view of this change to claim 1, the rejection of claims 1-12 under 35 U.S.C. §112 should be obviated.

Claims 1-5, 7 and 10 were rejected under 35 U.S.C. §102(b) as being anticipated by the Clark patent (U.S. Patent No. 5,375,768). Reconsideration of this rejection is requested in view of the clarifying amendment to claim 1. In particular, claim 1 has been amended to feature a first flow path that includes a fluid pressure responsive valve element for controlling fluid flow along the first flow path. In addition, the claim has been amended to feature the first flow path as being configured to have a maximum flow rate that is greater than a maximum flow rate of the second flow path.

The Clark patent does not teach or suggest this feature. The Clark patent is directed to a sprinkler system in which a turbine is used to rotate a sprinkling head. The Clark turbine does not monitor water usage as recited in claim 1. More importantly, the Clark patent discloses multiple flow paths, all of which terminate in similarly sized apertures through which water is discharged. Since the Clark turbine

is intended to provide a driving force for the sprinkling head, it is desirable that the flow rate of water through the apertures be substantially equal.

In the Applicants' invention, the nozzle assembly is used to drive a water usage turbine. Because the flow rate of water discharged by a water treatment apparatus varies substantially due to changes in demand, the nozzle assembly must drive the water usage turbine at both low and high water usage rates. As a result, the nozzle assembly set forth in claim 1 includes two flow paths, one of which includes a pressure responsive valve element. In the Clark patent, all flow paths are equally controlled by the valve (62). According to claim 1, the flow paths are configured such that the first flow path has a maximum flow rate that is greater than a maximum flow rate of the second flow path. With this feature, a control valve can more accurately monitor water usage at a wide range of water usage rates.

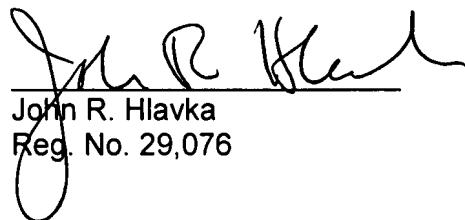
The construction set forth in claim 1 is not taught or suggested by the Clark patent. Accordingly, claim 1 should be allowed. Claims 2-12 depend directly or directly from allowable claim 1 and should also be allowed. It should be noted here that claims 7 and 10 have been editorially amended to correct obvious errors.

New claim 24 includes the subject matter of allowable claim 8 and should also be allowed.

In view of the foregoing, it is submitted that the application is in condition for allowance and allowance is respectfully requested.

Please charge any deficiency or credit any overpayment in the fees for this  
amendment to our Deposit Account No. 20-0090.

Respectfully submitted,



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